

**REMARKS**

Applicant thanks the Examiner for the careful review of this application. No amendments to the claims and specification were made via this paper. Claims 1-55 are currently pending in this application.

**REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rhoads (U.S. Published Patent Application No. 2002/0029253). Applicant respectfully traverses for the following reasons.

Rhoads apparently discloses that a given data object can perhaps contain both a graphical representation to a network user and embedded information, such as the URL address of another network node, thereby to permit the object itself to serve as an automated hot link. The underlying development tools and web site browsers create and identify such an object for use in a manner similar to a hot link, as provided on the World Wide Web.

Regarding independent claims 1 and 20, Rhoads does not disclose that a promotional message is received or pushed that is based on the transmitted message code which the Examiner has indicated to be disclosed at Rhoads' paragraph [0350]:

[0350] The principles of this invention can also be utilized as an exact form of steganography proper. It is suggested that such exact forms of steganography, whether those of prior art or those of this invention, be combined with the relatively recent art of the "digital signature" and/or the DSS (digital signature standard) in such a way that a receiver of a given empirical data file can first verify that not one single bit of information has been altered in the received file, and thus verify that the contained exact steganographic message has not been altered.

**-Rhoads, paragraph [0350]**

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As can be seen from the above entry, Rhoads' paragraph [0350] discusses a method to ensure that a received file has not been altered and simply does not mention anything relating to a promotional message.

Claim 2 discloses that processing the image includes reading intensity values for pixels forming the image, locating the message carrier by analyzing the intensity values, locating the message code within the message carrier and reading intensity values for pixels forming the message code to acquire the message code. On the other hand, Rhoads' paragraphs [0148] through [0150] describe a system for encoding a word onto a signal:

[0148] To address these and other needs, the system 200 of FIG. 5 can be employed. System 200 can be thought of as an identification coding black box 202. The system 200 receives an input signal (sometimes termed the "master" or "unencoded" signal) and a code word, and produces (generally in real time) an identification-coded output signal. (Usually, the system provides key data for use in later decoding.)

[0149] The contents of the "black box" 202 can take various forms. An exemplary black box system is shown in FIG. 6 and includes a look-up table 204, a digital noise source 206, first and second scalars 208, 210, an adder/subtractor 212, a memory 214, and a register 216.

[0150] The input signal (which in the illustrated embodiment is an 8-20 bit data signal provided at a rate of one million samples per second, but which in other embodiments could be an analog signal if appropriate A/D and D/A conversion is provided) is applied from an input 218 to the address input 220 of the look-up table 204. For each input sample (i.e. look-up table address), the table provides a corresponding 8-bit digital output word. This output word is used as a scaling factor that is applied to one input of the first scalar 208.

FIG. 5

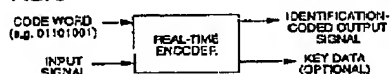
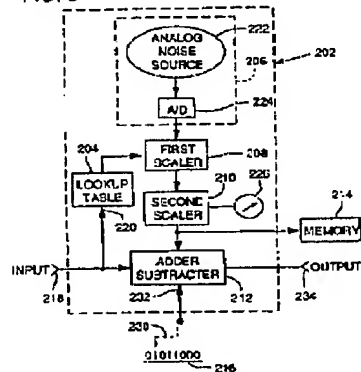


FIG. 6



### -Rhoads, paragraphs [0148]-[0150] and figures 5-6

Encoding a word onto a signal is essentially the opposite of claim 2. Claim 2 is directed towards acquiring a message code from a signal, not taking a message code and encoding it onto the signal.

Claim 3 differs from claim 2 in that the image is transmitted to a second remote system for the subsequent processing. The Examiner has indicated that Rhoads'

paragraph [0148] through [0150] also discloses transmitting the image to the second remote system. Applicant respectfully submits that this claim limitation is not disclosed at the referenced section of Rhoads.

Claims 9-12 and 26-29 were also rejected, in part, over Rhoads' paragraph [0148] through [0150]. Claims 9-12, 26-29 and 36-39 disclose that the message code and promotional message are sent and received over a wireless network and the wireless network can be a GSM, a CDMA or a TDMA network. No mention is made of these claim elements in Rhoads' paragraphs [0148] through [0150].

Claims 16, 21-25, 31, 35, 42, 46, 51 and 53-54 were also rejected, in part, over Rhoads' paragraphs [0148] through [0150]. Claims 16, 24 and 42 disclose that the message code includes text codes, graphical symbols or an alphanumeric string. Applicant does concede that Rhoads discloses a 'code word'. Again, however, the claimed embodiments are directed towards processing an image to extract information, which can take the form of a text-code, and are not directed towards encoding a text code into a signal.

Claims 21-23, 25 and 46 detail the message carrier and message code in that the message carrier include an identifying border and the message code, the message carrier can take the form of transitions between light and dark regions and the message code can be a plurality of blocks or multiple graphical symbols. Rhoads' paragraphs [0148] through [0150] do not mention these claimed embodiments.

Claims 31, 51 and 53 are directed towards reading intensity values for pixels forming the image, locating the message carrier by analyzing the intensity values, locating the message code within the message carrier and reading intensity values for pixels forming the message code to acquire the message code. Again, Rhoads does not disclose these claimed embodiments via paragraphs [0148] through [0150].

For claim 54, claim 54 discloses extracting a message code from a message carrier and receiving a promotional message based on the message code. As was previously explained, paragraphs [0148] through [0150] disclose encoding a code word onto a signal, not extract a message code as claim 54 indicates. Paragraphs [0148] through [0150] also do not disclose receiving a promotional message based on the message code.

Claims 4-8, 13-15, 17-19, 32-34, 40-41, 43-45, 47, 49 and 55 were all rejected, in part, to Rhoads' paragraph [0338]:

[0338] A simple-minded approach would be to assign a 2 by 2 block of pixels all to be modulated with the same ultimate signature grey value, rather than modulating a single assigned pixel. A more fancy approach is depicted in FIGS. 21A and 21B, where an array of pixel groups is depicted. This is a specific example of a large class of configurations. The idea is that now a certain small region of pixels is associated with a given unique bit plane in the N-bit identification word, and that this grouping actually shares pixels between bit planes (though it doesn't necessary have to share pixels, as in the case of a 2x2 block of pixels above).

**-Rhoads, paragraph [0338]**

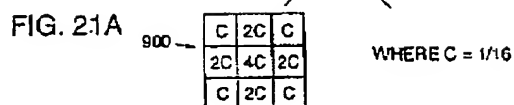


FIG. 21B

2	3	4	5	6	7	0		
6	7	0	1	2	3	4		
			C	2C	C			
2	3	4	2C	4C	2C	6	7	0
			C	2C	C			
6	7	0	1	2	3	4		

**-Rhoads, Figs. 21A-21B**

This section of Rhoads details a situation wherein multiple pixels have become merged, for example due to an ink smudge, and should therefore be processed as a group, rather than each pixel separately, since it is essentially now one large pixel.

Claims 4-6 and 32-34 describe embodiments where pixels of an image are scanned and analyzed via vertical columns. Rhoads' paragraph [0338] does not disclose that.

Claim 7 discloses a database containing promotional messages and claim 8 discloses that a promotional message contained in the database further includes an electronic coupon that can be used at a point-of-sale terminal. Neither claim limitation is contained in Rhoads' paragraph [0338].

Claims 13-15, 17-19, 40-41, 43-45 and 47 details the message carrier structure. For example, dark and light colored regions and an identifying border. Rhoads' paragraph [0038] and related figures 21A and 21B may appear to disclose some of these aspects. However, it is merely coincidental as Rhoads is teaching a method of

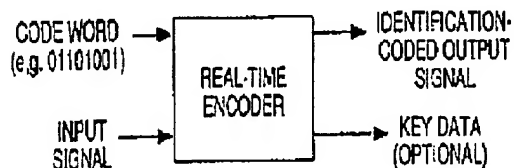
pixel processing for a different purpose. Therefore, Rhoads also does not disclose the aspects of claims 13-15 and 17-19.

Claims 49 and 55 disclose receiving the image, reading intensity values for pixels forming the image, locating the message carrier by analyzing the intensity values, locating the message code within the message carrier, reading intensity values for pixels forming the message code to acquire the message code and transmitting the message code. Again, Rhoads paragraph [0338] does not disclose these aspects.

Turning to claims 30, 48 and 50 the Examiner has indicated that Rhoads' reference numeral 200 is assigned to a wireless communication system. Reference numeral 200 actually refers to the system in Rhoads' figure 5 for encoding a signal with a code word (which is not a wireless communication system) as was previously described:

[0148] To address these and other needs, the system 200 of FIG. 5 can be employed. System 200 can be thought of as an identification coding black box 202. The system 200 receives an input signal (sometimes termed the "master" or "unencoded" signal) and a code word, and produces (generally in real time) an identification-coded output signal. (Usually, the system provides key data for use in later decoding.)

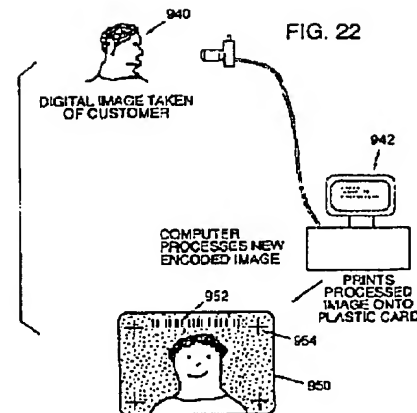
FIG. 5



**-Rhoads, paragraph [0148] and figure 5**

Regarding receiving a promotional message based on the transmitted message code, The Examiner has indicated that figure 22 and paragraph [0384] of Rhoads discloses this aspect:

[0384] FIG. 22 illustrates the basic unforgettable plastic card which is quite unique to each and every user. A digital image 940 is taken of the user of the card. A computer, which is hooked into the central accounting network, 980, depicted in FIG. 26, receives the digital image 940, and after processing it (as will be described surrounding FIG. 24) produces a final rendered image which is then printed out onto the personal cash card 950. Also depicted in FIG. 22 is a straightforward identification marking, in this case a bar code 952, and optional position fiducials 954 which may assist in simplifying the scanning tolerances on the Reader 958 depicted in FIG. 23.



**-Rhoads, paragraph [0384] and figure 22**

As can be seen, the sections above merely describe capturing an image and transferring it to a card.

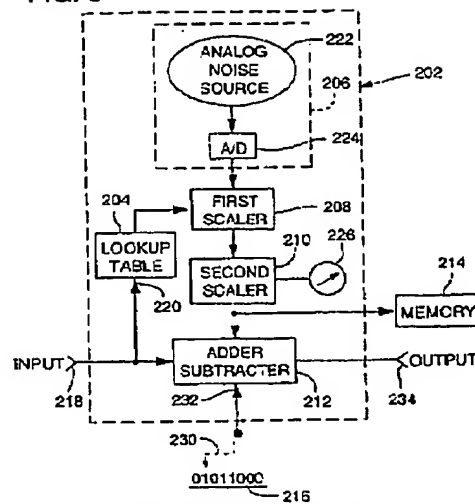
Claim 52 specifies computer program product that has instructions to cause a processor to capture an image of a message carrier using the digital image capturing device, process the image to acquire a message code from the message carrier, transmit the message code to a remote system using the wireless communication system and receive a promotional message using the wireless communication system based on the transmitted message code. The Examiner indicated that paragraph [0057] and figure 6 anticipates claim 52:

[0057] The amplitude or power of this added signal is determined by the aesthetic and informational considerations of each and every application using the present methodology. For instance, non-professional video can stand to have a higher embedded signal level without becoming noticeable to the average human eye, while high precision audio may only be able to accept a relatively small signal level lest the human ear perceive an objectionable increase in "hiss." These statements are generalities and each application has its own set of criteria in choosing the signal level of the embedded identification signal. The

higher the level of embedded signal, the more corrupted a copy can be and still be identified. On the other hand, the higher the level of embedded signal, the more objectionable the perceived noise might be, potentially impacting the value of the distributed material.

**-Rhoads, paragraph [0057]**

FIG. 6



-Rhoads, figure 6

Rhoads paragraph [0057] details how to adjust video and audio such that they are not negatively impacted when some other signal or image is embedded into the video and audio. Figure 6 shows one possible system for doing so. No disclosure is made to acquire a message carrier, extract a message code from the carrier or receive a promotional message based on the message code. Applicant therefore respectfully submits that Rhoads also does not disclose claim 52.

In view of the foregoing, withdrawal of the rejections of the claims is respectfully requested.

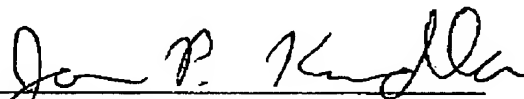


**CONCLUSION**

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested. The amendment was made to expedite the prosecution of this application. Applicant respectfully traverses the rejections of the amended claims and reserves the right to re-introduce them and claims of an equivalent scope in a continuation application.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,  
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